

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

ROBERT L. JOHNSON,)
Plaintiff ,)
v.) 2:04-cv-03100-VEH-TMP
SGT. SPANN and)
OFFICER JONES,)
Defendants.)

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on June 7, 2006, recommending that this action be dismissed for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). The plaintiff filed objections on July 3, 2006.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and hereby is **ADOPTED**, and the recommendation is **ACCEPTED**. Accordingly, the complaint is due to be dismissed for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). A Final Judgment will be entered.

DATED this 20th day of July, 2006.

VIRGINIA EMERSON HOPKINS
United States District Judge